

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 27, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EMANUEL L. FINCH,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 2:21-CV-00328-SAB

ORDER DISMISSING ACTION
FOR FAILURE TO COMPLY
WITH FILING FEE AND *IN*
FORMA PAUPERIS
REQUIREMENTS AND
DENYING PENDING MOTIONS

By Order filed December 27, 2021, the Court directed Plaintiff Emanuel L. Finch, a prisoner at the Airway Heights Corrections Center, to submit a completed Declaration and Application to Proceed *in forma pauperis*. ECF No. 6 at 2. In addition, the Court instructed Plaintiff to comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a civil action without prepayment of the filing fee to submit a certified copy of his trust fund account statement (or institutional equivalent) for the six months immediately preceding the filing of the complaint on November 18, 2021. *Id.* The Court cautioned Plaintiff that his failure to comply with these requirements or to pay the full \$402.00 filing fee within **thirty days** would result in the file being closed. *Id.*

Rather than comply with these directives, Plaintiff filed a Motion on December 29, 2021, asking to “stay” these proceedings for 90 days pursuant to ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING FEE AND *IN FORMA PAUPERIS* REQUIREMENTS AND DENYING PENDING MOTIONS -- 1

1 “F.R.A.P. 27.” ECF No. 7. Plaintiff does not explain how a rule governing
 2 procedure in the United States courts of appeals is applicable here, but he states
 3 that he is “attempting to raise the filing fees from the streets” rather than comply
 4 with the *in forma pauperis* requirements because “it will take forever to pay this
 5 off” if he does so. *Id.* at 2. Plaintiff’s reasons do not warrant delaying these
 6 proceedings further. Therefore, Plaintiff’s Motion, ECF No. 7, is denied, as is the
 7 pending Motion to Amend, ECF No. 5.

8 Accordingly, **IT IS HEREBY ORDERED:**

- 9 1. Plaintiff’s application to proceed *in forma pauperis*, ECF No. 2, is
 10 **DENIED** for failure to comply with 28 U.S.C. § 1915(a)(2).
 11 2. This action is **DISMISSED without prejudice** for failure to pay the
 12 filing fee under 28 U.S.C. § 1914.
 13 3. The pending Motion to Amend, ECF No. 5, and Motion, ECF No. 7, are
 14 **DENIED.**

15 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
 16 enter judgment, provide copies to Plaintiff and **CLOSE** the file. The Court certifies
 17 that any appeal of this dismissal would not be taken in good faith and would lack
 18 an arguable basis in law or fact.

19 **DATED** this 27th day of January 2022.



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24 Stanley A. Bastian
 25 Chief United States District Judge
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